

305 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CV-61174

US CONTADOR, INC. and MICHAEL
NATARUS,

Plaintiffs,

v.

CONTADORMIAMI.COM, INC.; TAXLEAF.COM
INC.; JACOB NAE; MOSES NAE; and UNITED
STATES SMALL BUSINESS ADMINISTRATION,

Defendants.

_____ /

NOTICE OF REMOVAL BY UNITED STATES ATTORNEY

The United States Attorney, by and through the undersigned Assistant United States Attorney, files this Notice of Removal pursuant to 28 U.S.C. §1442(a)(1) and in support thereof, states as follows:

1. The Plaintiffs US Contador, Inc. and Michael Natarus have filed an Amended Complaint which includes three counts against the United States Small Business Administration (“SBA”) for rescission of a loan agreement, reformation of a loan agreement, and declaratory judgment in the Circuit Court in and for Broward County, Florida, Case No. CACE 23-014775.

2. Plaintiffs seek the entry of a judgment against the SBA finding that the Plaintiff Michael Natarus was the victim of identity theft regarding two SBA loans, that he bears no responsibility for the repayment of those loans, and requiring the SBA to substitute him as the

obligated party with Defendants Moses Nae and Jacob Nae and otherwise prevent the SBA from attempting to collect any amounts owed from Mr. Natarus.

3. The United States Attorney's Office received a copy of the Summons and Amended Complaint by personal service on June 6, 2024.

4. 28 U.S.C. § 1442(a) provides that:

A civil action or criminal prosecution that is commenced in a State court and that is against or directed to any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for or relating to any act under color of such office ...

Pursuant to 28 U.S.C. §1442(a)(1), any action filed in a state court in which the United States, any of its agencies, and any of its officers are named as defendants may be removed to federal court. This is an action against the SBA, an agency of the United States, and may therefore be removed to federal court.

5. Attached hereto as Exhibit 1 is a copy of the process, pleadings, and orders served upon the United States Attorney's Office.

6. By filing this Notice of Removal, the federal defendant does not waive any of the defenses available to it under Fed. R. Civ. P. 12, including but not limited to failure to state a claim, sovereign immunity, insufficiency of process, and insufficiency of service of process.

CONCLUSION

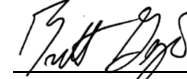
For the foregoing reasons, the United States Attorney removes Case No. CACE 23-014775, which was filed in the Circuit Court in and for Broward County, from circuit court to federal court.

Dated: July 3, 2024

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of July, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF, U.S. mail or e-mail for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Brett Geiger
Brett R. Geiger
Assistant U.S. Attorney

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